

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble JUSTICE RANJIT KUMAR BAG

& The Hon'ble DR. SUBESH KUMAR DAS

Case No – OA 595 OF 2018

Gautam Ghosh vs **The State of West Bengal & Ors.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;">07 <hr/>08.01.2020</p>	<p><i>For the Applicant : Mr. S. Ghosh, Mr. R.K. Mondal, Learned Advocates.</i></p> <p><i>For the State Respondents : Mr. S.N. Ray, Learned Advocate.</i></p> <p><i>For A.G.(A&E), W.B. : Mr. B. Mitra, Departmental Representative.</i></p> <p style="text-align: center;"><i>The applicant has prayed for direction upon the respondents for granting him pay scale no. 9 after quashing of order issued under Memo No. 194(19) dated July 29, 2010 by the Sub-Division Officer, Investigation & Planning Sub-Division No. II, Jalasampad Bhavan, Salt Lake City, Government of West Bengal and other consequential reliefs.</i></p> <p style="text-align: center;"><i>The applicant joined Government service as Gauge Reader on November 01, 1983 and retired from service on October 31, 2013. He got pay scale No. 6 i.e. Rs. 300-685/- in terms of West Bengal Services (Revision of Pay and Allowances) Rules, 1981 (In short, ROPA Rules 1981) in terms of the order passed by the Hon'ble High Court. The contention of the applicant is that he is entitled to get benefit of CAS/MCAS after treating pay scale of Rs. 300-</i></p>	

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685/- as his basic scale in terms of order dated August 26, 2009 passed by this Tribunal in OA 1178 of 2007. The further contention of the applicant is that his pay scale was reduced and he was asked to refund Rs. 62,256/- by order communicated under Memo No. 194(19) dated July 29, 2010 (Annexure D to the original application). The said impugned order dated July 29, 2010 was challenged by other Gauge Readers before this Tribunal by filing OA 345 of 2017 which was disposed of on June 14, 2017. The applicant claims to be similarly circumstanced with the applicants of OA 345 of 2017, whereby the Tribunal had set aside the impugned order dated July 29, 2010 (Annexure D to the original application).

Having heard Learned Counsel representing both parties and on consideration of the facts and circumstances disclosed above, we are of the view that the respondent no. 2 should consider whether the applicant is similarly circumstanced that the applicants of OA 345 of 2017 (which was disposed of on June 14, 2017) and if the applicant is found to be similarly circumstanced with the applicants of OA 345 of 2017, he should be granted the relief which was granted to the applicants of OA 345 of 2017.

In view of our above observations, the respondent no. 2, Director of Personnel & Ex-officio Chief Engineer,

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Irrigation & Waterways Directorate, Government of West Bengal is directed to grant relief to the present applicant in terms of order dated June 14, 2017 passed in OA 345 of 2017, if the applicant is found to be similarly circumstanced with the applicants of OA 345 of 2017 within a period of 12 weeks from the date of communication of the order and take necessary follow up action within a period of 8 weeks thereafter.

With the above direction, the original application is disposed of.

Let a plain copy of the order be supplied to all the parties.

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)

H.S